An Act

ENROLLED HOUSE
BILL NO. 2133

By: George of the House

and

Weaver of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2021, Sections 1-103.2, 1-133.2, 1-135, and 1-136, which relate to definitions of autocycles, mopeds, motorcycles and motor-driven cycles; modifying definitions; amending 47 O.S. 2021, Section 6-105, as amended by Section 42, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section 6-105), which relates to motorcycle-only licenses; limiting allowable power of certain electric motorcycles; and providing an effective date.

SUBJECT: Motor vehicles

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 2021, Section 1-103.2, is amended to read as follows:

Section 1-103.2 <u>Autocycle.</u>

A. An autocycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;

2. Three wheels in contact with the ground, but excluding a tractor;

3. A <u>combustion engine or an electric motor:</u>

a. if the power source is a combustion engine, an engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 ~~cu cm~~ cc) or greater, or

b. if the power source is an electric motor, a power source capable of producing one thousand (1,000) watts or greater;

4. For each occupant, safety belts or safety shoulder harnesses which shall be of a type and shall be installed pursuant to 49 C.F.R., Section 571.208 et seq.; and

5. All equipment required by the provisions of Article II et seq. of Chapter 12 of this title, with respect to equipment on vehicles.

B. An autocycle shall be registered as a motor vehicle.

C. The operator of an autocycle shall not be required to have an "M" endorsement on the Class D License pursuant to Section 6-110.1 of this title.

SECTION 2. AMENDATORY 47 O.S. 2021, Section 1-133.2, is amended to read as follows:

Section 1-133.2 Moped.

A "moped" is any motor-driven cycle with ~~a~~ an electric or internal combustion motor which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty-five (35) miles per hour on level ground. If an internal combustion engine is used, the displacement shall not exceed fifty ~~(50)~~ cubic centimeters (50 cc), and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged. If the power source is an electric motor, the motor shall not exceed seven hundred fifty (750) watts.

SECTION 3. AMENDATORY 47 O.S. 2021, Section 1-135, is amended to read as follows:

Section 1-135. Motorcycle.

A motorcycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;

2. Not more than three wheels in contact with the ground, but excluding a tractor; and

3. ~~A~~ An electric or combustion engine motor:

a. if the power source is a combustion engine, an engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 ~~cu cm~~ cc) or greater, or

b. if the power source is an electric motor, with a power source capable of producing one thousand (1,000) watts or greater.

SECTION 4. AMENDATORY 47 O.S. 2021, Section 1-136, is amended to read as follows:

Section 1-136. Motor-driven cycle.

A motor-driven cycle is any motor vehicle having:

1. A power source that:

a. if the power source is a combustion engine, has a piston or rotor displacement of greater than thirty-five cubic centimeters (35 ~~cu cm~~ cc) but less than one hundred fifty cubic centimeters (150 ~~cu cm~~ cc) regardless of the number of chambers in the power source, or

b. if the power source is electric, has a power output of ~~greater~~ less than one thousand (1,000) watts; and

2. A seat or saddle for the use of each rider; and

3. Not more than three wheels in contact with the ground.

SECTION 5. AMENDATORY 47 O.S. 2021, Section 6-105, as amended by Section 42, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section 6-105), is amended to read as follows:

Section 6-105. A. Unless a legal custodial parent or legal guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, any person under eighteen (18) years of age who

is in compliance with or not subject to Section 6-107.3 of this title may be permitted to operate:

1. A Class D motor vehicle under the graduated driver license provisions prescribed in subsections B through E of this section;

2. A motorcycle under the provisions prescribed in subsection H of this section; or

3. A farm vehicle under the provisions prescribed in subsection I of this section.

B. Any person who is at least fifteen (15) years of age may drive during a session in which the driver is being instructed in a driver education course, as set out in subparagraphs a, b, c, d and e of paragraph 1 of subsection C of this section, by a certified driver education instructor who is seated in the right front seat of the motor vehicle.

C. Any person:

1. Who is at least fifteen and one-half (15 1/2) years of age and is currently receiving instruction in or has successfully completed driver education. For purposes of this section, the term "driver education" shall mean:

a. a prescribed secondary school driver education course, as provided for in Sections 19-113 through 19-121 of Title 70 of the Oklahoma Statutes,

b. a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school,

c. a commercial driver training course, as defined by Sections 801 through 808 of this title,

d. a parent-taught driver education course, certified by the Department of Public Safety. The Department shall promulgate rules for any parent-taught driver education course, or

e. a driver education course certified by a state other than Oklahoma; or

2. Who is at least sixteen (16) years of age,

may, upon successfully passing all parts of the driver license examination administered by Service Oklahoma, or an approved written examination proctor, except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee; provided, the written examination for a learner permit may be waived by Service Oklahoma upon verification that the person has successfully completed driver education.

D. 1. Any person:

a. who has applied for, been issued, and has possessed a learner permit for a minimum of six (6) months, and

b. whose custodial legal parent or legal guardian certifies to Service Oklahoma by sworn affidavit that the person has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may be issued an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by Service Oklahoma; provided, the written examination, if it has not previously been administered or waived, may be waived by Service Oklahoma upon verification that the person has successfully completed driver education or the driving examination may be waived by Service Oklahoma upon successful passage of the examination administered by a certified designated examiner, as provided for in Section 6-110 of this title. However, notwithstanding the date of issuance of the learner permit, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued an intermediate Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time period specified in

subparagraph a of this paragraph shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued an intermediate Class D license.

2. A person who has been issued an intermediate Class D license under the provisions of this subsection:

a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:

(1) only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or

(2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, or if the intermediate Class D licensee is a farm or ranch resident, and is operating a motor vehicle while engaged in farming or ranching operations outside the limits of a municipality, or driving to and from work, school, school activities, or church activities, and

b. shall not operate a motor vehicle with more than one passenger unless:

(1) all passengers live in the same household as the custodial legal parent or legal guardian, or

(2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

E. Any person who has been issued an intermediate Class D license for a minimum of:

1. One (1) year; or

2. Six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph b of paragraph 1 of subsection D of this section,

may be issued a Class D license. However, notwithstanding the date of issuance of the Class D license, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued a Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.

F. Learner permits and intermediate Class D licenses shall be issued for the same period as all other driver licenses. The licenses may be suspended or canceled at the discretion of the Department for violation of restrictions, for failing to give the required or correct information on the application, for knowingly giving false or inaccurate information on the application or any subsequent documentation related to the granting of driving privileges, for using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle.

G. Service Oklahoma shall promulgate rules establishing procedures for removal of learner permit and intermediate Class D license restrictions from the permit or license upon the permittee or licensee qualifying for a less restricted or an unrestricted license.

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle-only restriction. After the person has successfully passed all parts of the motorcycle examination other than the driving examination, has successfully completed a certified state-approved motorcycle basic rider course approved by the Department of Public Safety, in conjunction with Service Oklahoma, and has met all requirements provided for in the rules of the Department and Service Oklahoma, Service Oklahoma shall issue to the person a restricted Class D license with a motorcycle-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

1. With a piston displacement not to exceed three hundred ~~(300)~~ cubic centimeters (300 cc) or a sixteen and eight-tenths (16.8) kilowatt electric power source;

2. Between the hours of 4:30 a.m. to 9:00 p.m. only;

3. While wearing approved protective headgear; and

4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, and who has visual contact with the restricted licensee.

The restricted licensee may apply on or after thirty (30) days from date of issuance of the restricted Class D license with a motorcycle-only restriction to have the restriction of being accompanied by a licensed driver removed by successfully completing the driving portion of an examination.

The written examination and driving examination for a restricted Class D license with a motorcycle-only endorsement shall be waived by Service Oklahoma upon verification that the person has successfully completed a certified state-approved motorcycle basic rider course approved by the Department and Service Oklahoma.

I. Service Oklahoma may in its discretion issue a special permit to any person who has attained the age of fourteen (14) years, authorizing such person to operate farm vehicles between the farm and the market to haul commodities grown on the farm; provided, that the special permit shall be temporary and shall expire not more than thirty (30) days after the issuance of the special permit. Special permits shall be issued only to farm residents and shall be issued only during the time of the harvest of the principal crops grown on such farm. Provided, however, Service Oklahoma shall not issue a special permit pursuant to this subsection until Service Oklahoma is fully satisfied after the examination of the application and other evidence furnished in support thereof, that the person is physically and mentally developed to such a degree that the operation of a motor vehicle by the person would not be inimical to public safety.

J. As used in this section:

1. "Hand-held electronic device" means a mobile telephone or electronic device with which a user engages in a telephone call, plays or stores media, including but not limited to music and video, or sends or reads a text message while requiring the use of at least one hand; and

2. "Using a hand-held electronic device" means engaging any function on an electronic device.

K. All driver education courses provided for in paragraph 1 of subsection C of this section shall include education regarding the dangers of texting while driving and the effects of being under the influence of alcohol or other intoxicating substance while driving.

SECTION 6. This act shall become effective November 1, 2023.

Passed the House of Representatives the 13th day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of April, 2023.

Brent Howard
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th
day of April, 20 23, at 3:24 o'clock p. M.
By: Jenner Curry

Approved by the Governor of the State of Oklahoma this 2nd
day of May, 20 23, at 11:00 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd
day of May, 20 23, at 1:01 o'clock p M.
By: Brian Bingman